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Special Counsel to
Appellant E. Lynn Schoenmann

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re GERALD MCKINNEY,

Debtor,

Case No. C-07-04653 MMC

On Appeal from the United States Bankruptcy
Court for the Northern District of California,
Bankruptcy Case No. 06-30314-TEC

**STIPULATED REQUEST FOR ORDER
CHANGING TIME (CONTINUANCE OF
STATUS CONFERENCE IN
BANKRUPTCY APPEAL) PURSUANT TO
LOCAL RULE 6-2; DECLARATION OF
THOMAS F. KOEGEL IN SUPPORT**

RECITALS

A. This matter is an appeal from an order of the Honorable Thomas E. Carlson, United States Bankruptcy Judge concerning the standard for allowance of the fees of a Chapter 7 Trustee following the 2005 "Bankruptcy Abuse Prevention and Consumer Protection Act" effective for cases filed on or after October 17, 2005. A matter directly related to the first order remains pending before Judge Carlson. Judge Carlson's resolution of the matter pending before him might prompt a further appeal to this court, which appeal would properly be consolidated with the present appeal. It might also provide a resolution in the matter that would result in the dismissal

1 of this appeal.

2 B. Anticipating Judge Carlson's resolution of the matter before him, the parties had
3 previously stipulated to an order staying the briefing schedule in this appeal and continuing the
4 status conference in the matter to January 18, 2008, at 10:30 a.m. The court granted the
5 stipulation and request by order dated October 23, 2007.

6 C. After further briefing, the matter still pending before Judge Carlson is now set for
7 further hearing on January 14, 2008. The parties request that this court continue its January 18,
8 2008, status conference to all Judge Carlson sufficient time to issue a final order on the matter
9 and for the parties either to file an appeal of that order or seek dismissal of this appeal.

10 NOW, THEREFORE, THE PARTIES STIPULATE AND REQUEST AS FOLLOWS:

11 The status conference in this action may be continued to March 14, 2008, at 10:30 a.m.
12

13 Dated: January 11, 2008

FOLGER LEVIN & KAHN LLP

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16 _____/S/_____
Thomas F. Koegel
17 Special Counsel for Appellant
E. Lynn Schoenmann
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19 Dated: January 11, 2008

LAW OFFICES OF JAMES F. BEIDEN

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21 _____/s/_____
James F. Beiden
22 Counsel for Appellee
23 Gerald McKinney
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DECLARATION OF THOMAS F. KOEGEL

25 I, THOMAS F. KOEGEL, declare,
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1 1. I am a member of the firm of Folger Levin & Kahn LLP, special counsel to
2 Bankruptcy Trustee, E. Lynn Schoenmann. I make this declaration of my personal knowledge,
3 and if called upon would testify to the matters stated in my declaration.

4 2. The matters stated in the recitals are true and correct.

5 3. The one previous extension of time in this case was the continuance of the status
6 conference to January 18.

7 4. The stipulation will extend the time before which this court may establish a
8 briefing schedule. Nevertheless, such extension of time is in the interest of judicial economy and
9 of the time of the parties. It will avoid unnecessary efforts either because Judge Carlson's
10 resolution of the matter pending before him will (a) result in a dismissal of this appeal or (b)
11 result in a second appeal that would appropriately be consolidated with this appeal under a single
12 set of briefs.

13 I declare under penalty of perjury under the laws of the United States that the foregoing is
14 true and correct. Executed this 11th of January, 2008.

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_____/S/_____
Thomas F. Koegel